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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,316	11/04/1999	GARY PARSONS	XM-0015	5074

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LOS ANGELES, CA 90067

EXAMINER

BAYARD, EMMANUEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/435,316

Applicant(s)

PARSONS ET AL.

Examiner

Emmanuel Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17-25 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-25 and 27-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to amendment filed on 1/26/04 in which claims 1, 3-15, 17-25, 27-44 are pending. The applicant's amendment has been fully considered but they are moot based on the new ground of rejection. Therefore this case is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-15, 17-25, 27-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timimori U.S. patent NO 6,456,841 B1 in view of Tuoriniemi et al U.S. Patent No 5,978,689.

As per claims 1, 33-34 and 44, Tomimori discloses a receiver comprising: a first means for receiving (see figs. 1-3 element 1 and col.4, lines 29-30) a transmitted signal and providing an instantaneous output signal in response thereto; a second means for storing (see fig. 3 and element 21 and abstract and col.4, lines 47-67) at least a portion of said received signal; third means (see abstract) for providing replay signal; and fourth means (see fig. 3 element 24 and abstract, and col.4, lines 30-39 and col.13, lines 27-43) for selectively outputting said stored portion of said received signal or said instantaneous output signal in response to said replay signal; receiving means, storing means, replay and selection means disposed on a common mobile platform (see figs. 1-3 element 1).

However Timimori does not teach a first means for receiving satellite digital audio service signals.

Tuorinieri et al teaches a first means for receiving satellite digital audio signals service signal (see col.13, lines 10-25, 53-55).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Tuorinieri into Timimori as to provide noiseless sound without interference on low power as taught by Tuorinieri (see col.13, lines 13-15).

As per claim 3, the receiver of Timimori does include an audio decoder (see col.5, line 11).

As per claim 4, the receiver of Timimori does include a user interface (see abstract).

As per claim 5, the receiver of Timimori does include a system controller (see fig.3 element 24).

As per claims 6 and 35, the mobile terminal of Timimori does include a microprocessor (see col.5, lines 7-10).

As per claims 7 and 36, the receiver of Tuorinieri does include software (see col.10, line 17). Furthermore implementing such teaching into Timimori would have been obvious to one skilled in the art as to initiate the so called flash book functions as taught by Tuorinieri (see col.10, lines 17-20).

As per claims 8-14, and 37-43 the receiver of Tuorinieri does include software (see col.10, line 17). Furthermore implementing such teaching into Timimori would have been obvious to one skilled in the art as to initiate the so called flash book functions as taught by Tuorinieri (see col.10, lines 17-20).

As per claims 15, 25 and 27, Timimori discloses a receiver comprising: a radio frequency tuner and audio decoder for receiving (see figs. 1-3 element 1 and col.4, lines 29-30 and col.5, line10-13) a transmitted signal and providing an instantaneous output signal in response thereto; a user interface (see abstract) for providing replay signal; means for detecting (see fig.3 element 14 and col.3, lines 55-67) a beginning and an ending of program content provide in said received signal and storing (see fig. 3 and element 21 and abstract and col.4, lines 47-67) said program content in response to said replay ; a system controller including a microprocessor for selectively outputting (see fig.3 element 24 and col.5, lines 7-13) said stored portion of said received signal or said instantaneous output signal in response to said replay signal.

However Timimori does not teach a first means for receiving satellite digital audio service signals.

Tuorinieri et al teaches a first means for receiving a transmitted satellite digital audio signals service signal (see col.13, lines 10-25, 53-55).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Tuorinieri into Timimori as to provide noiseless sound without interference on low power as taught by Tuorinieri (see col.13, lines 13-15).

As per claim 17, the receiver of Tuorinieri does include software (see col.10, line 17). Furthermore implementing such teaching into Timimori would have been obvious to one skilled in the art as to initiate the so called flash book functions as taught by Tuorinieri (see col.10, lines 17-20).

As per claims 18-24 the receiver of Tuorinieri does include software (see col.10, line 17). Furthermore implementing such teaching to detect the presence of instant replay into Timimori

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would have been obvious to one skilled in the art as to initiate the so called flash book functions as taught by Tuorinieri (see col.10, lines 17-20).

As per claim 27-28, the receiver of Timimori does include a step of causing said receiver to output said stored program content on the detection of said instant replay (see abstract and fig.3 element 14 and col.3, lines 55-67 and col.4, lines 1-67).

As per claims 29-32, the receiver of Timimori does include a start of selection signal and an end of selection signal (see col.3, lines 55-67 and col.4, lines 1-67).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Jenkin et al U.S. patent No 6,088,351 teaches a method and apparatus for accommodating signal.

Briskman U.S. patent No 5,592,471 teaches a mobile radio receivers using time diversity.

Noreen et al U.S. patent No 5,689,245 teaches an integrated communications terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is (703) 308-9573. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

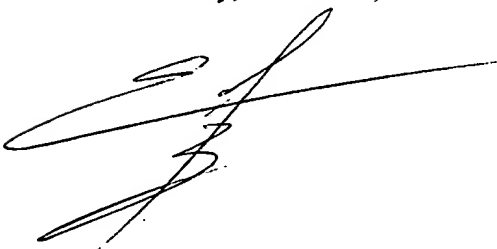
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour, can be reached on (703) 306-3034. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Emmanuel Bayard

Primary Examiner

Wednesday, March 24, 2004

A handwritten signature in black ink, appearing to be 'E. Bayard', written over a horizontal line.